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BOOK REVIEWS.

THE FOUNDATIONS OF SOVEREIGNTY AND OTHER ESSAYS. By Harold J. Laski. New York: Harcourt, Brace & Co., 1921. Pp. lx, 137.

Disappointment is in store for one who opens this book with the thought that it is Mr. Laski's promised work on political theory, for he will find in it only a collection of essays, most of which antedate his most systematic work, and only one of which has not been published before. Even the title of this new essay which gives name to the book is somewhat misleading, for it turns out to be an historical study of the development of political sovereignty rather than a discussion of its philosophical basis.

But disappointment is tempered by satisfaction at having in permanent form some of the author's earlier and best work. For the essays are predominantly legal and give characteristic expression to Mr. Laski's essentially legal type of mind. Their erudition is imposing, almost repelling, for the most obvious and innocent statements are usually supported by unnecessary and obstructive citations. The habit is good, of course, and we are introduced to a wide and interesting range of reading; nevertheless, an impression remains that the argument would be clearer and more cogent if the author's memory were not so complete or his note-books so detailed. Considered merely from the legal and historical point of view, however, the volume is a very welcome addition to sound scholarship.

The general theory embodied in the essays is that of political pluralism. In the first paper the unity of the state is shown as the outcome of crises, in which its sovereignty is advocated as the only escape from external dominion or internal dissent. But while this unique absoluteness was perhaps historically justified and may be still a useful assumption for the lawyer, in *The Theory of Popular Sovereignty* it is pointed out that any realistic political philosophy must recognize that the will of the state is always actually a particular group will, and not the expression of a true social purpose. Moreover, in *The Personality of Associations*, real group wills are recognized to have an existence and a character apart from the state will of which they are legally supposed to

be the product and expression. The presence within it of such independent entities is evidence that the state is not the sole or absolute embodiment of society, but is only one of a plurality of coordinate institutions competing for the loyalty of their included members. The growing recognition of *The Responsibility of the State in England* is a further proof of this dethronement of the absolute state. The practical aspects of the political question are brought out in the *Problem of Administrative Areas*, where the unwieldiness of our modern legislatures is pointed out, and the growing indifference of the citizen to the state is noted. Unless the political structure can be decentralized or federalized, the interests of men will be entirely absorbed in their local and functional groups, and the life of the whole will be devitalized. In the essay on the *Pluralistic State* these various notes are repeated and there is added the final point that, after all, the ultimate sovereignty is in right conduct and not in any externalized authority, be it church or state. Papers on *The Early History of Corporations in England*, *The Basis of Vicarious Liability* and *The Political Theory of James I*, complete the volume.

It is impossible in the space of a brief review to discuss in detail these interesting and scholarly papers. One point in regard to the significance of the personality of associations might be suggested. Like most adherents to the group theory of society, Mr. Laski seems to feel that the admission of a real group personality is a deadly blow at the unity of the state. The Maitland-Gierke discovery is regarded as revealing that unity to be a superficial sham, behind which are these lusty personalities contending for the mastery, upon the securing of which, the forceful victor assumes the mask of unity behind which he conceals the plurality of his temporarily subdued rivals.

But even if we grant the reality of these group wills, their existence creates in theory no new objection to the monistic concept. If that concept could include the individual individual, it can certainly find room for this collective compound, for the latter is no more independent of the state than is the former. It is true that we may find it desirable to give representation to these functional groups as well as to individuals, but this has no relevance to the theoretical question of the sovereignty of the state however composed. A unity of groups may be as real as a unity of individuals. Indeed, the unity of the lesser group, if it argues

anything, points rather to the possibility of a similar unity in the larger state. In this respect, Duguit's denial of group personality is a far more logical support of the pluralistic theory than is this position of the English school.

Looking at the more general aspects of Mr. Laski's work, especially as exhibited in this volume, one is tempted to find the motives of his pluralism in his pre-occupation with the legal point of view. His ideas seem to be those of the lawyer who has discovered the limitations of the legal theory of sovereignty, and has been moved by his interest in sociology, social psychology and practical politics, to take a more realistic view of the actual structure and functioning of the state. He knows that the legal finality of the state is not the last word, but that legal omnipotence may be political incompetence. The actual power of the state is a matter of social psychology and not of abstract legality. Hence his prophets are McDougall, Graham Wallas, the Webbs, the Hammonds, and the socialized jurists such as Dean Pound, Felix Frankfurter and Mr. Justice Holmes, his delight in whom finds expression in his touching, but somewhat irritating, mannerism of never referring to them without an adverbial encomium. They always "significantly remark," or "brilliantly analyse," or "finely put," or "happily term."

Having made this necessary distinction between the legal and the political, however, Mr. Laski fails to recognize, or, at least do justice to, a third point of view, the philosophic or teleological. The last word surely has not been said when we have substituted the actual plurality of powers in society for the absolute authority of the legal sovereign. The philosophic problem begins where Mr. Laski leaves off, with the question of the function of the state in the moral life of the community. To adduce against the monistic theory the obvious facts of conflict within the state is beside the mark. It is only when philosophers lapse into the same confusion exhibited by Mr. Laski that their weapons appear to meet. That they do thus lapse is perhaps a justification of his work, but it would certainly conduce to clearness if Mr. Laski would disabuse his mind of the idea that his valuable plea for administrative decentralization is a philosophic theory of a pluralistic state.

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